S.B.Cr.Misc. Bail App. No.5437/2007

(Kailash & Anr. vs. State of Rajasthan)

Date of order : November 20, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Sandeep Mehta, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioners that the FIR is against unknown persons. The petitioners have been arrested and no test identification parade was conducted. There is no witness, who identified the petitioners committing any offence.

On perusal of the police investigation diary, it appears that no test identification parade was conducted.

Having considered the totality of facts and circumstances of the case and taking into account the oral arguments advanced

by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Kailash s/o Narain Rawat and Kishan s/o Kalu Rawat be released on bail in FIR No.116/2007, P.S. Kheroda, Distt. Udaipur provided each of them furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-